THE CHICAGO TRIBUNE, TUESDAY, MAY 3, 1870.

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WASHINGTON.

What Has Been Done Thus Far on the Tariff Bill.

The Ways and Means Committee Hammering Away Slowly on the Funding Bill.

Proceedings in the Union Pacific Injunction Suit Annulled by Congress.

The House Votes a Pension to the Widow of Abraham Lincoln.

Map Statement of the Public Debt.

Decrease During the Month of April, $11,607,793.

Special Dispatch to The Chicago Tribune.

WASHINGTON, May 2.—The Tariff bill made considerable progress to-day, and, as the sessions of Saturday, Wednesday, and Thursday, are to begin at 11 o'clock, instead of at noon, it is possible, though not probable, that the session will be half lengthened. In Committee of the Whole by the time the recess commences, Thursday evening. The iron section is almost done with, and the steel has now broad, but materially lower than in the existing law. Pig iron is reduced from $9 to $6 per ton, and railroad iron from 30 cents to 40 cents, instead. The highest class of bar iron had been cut from $9.60 to $8.40 per ton, and the officer(ious) was held to $8.00 per ton. Small iron, but, it then carried on some other forms of the present law. The duty stood alone as was in this, as well as in coarser, and has been made Washington, that the Ways and Means Committee reported in favor of raising the duty (immense from to $1.00 per 100. The language dried bill, in the opinion of many members of the House, certainly warranted this conclusion; but some members of the committee say this was not their intention, and, so, Mr. Schenck brought in an amendment of the phraseology, so as to make the bill explicit in this regard. The great cutcost on steel will begin to morrow. There are seven paragraphs under this head, each one of which will be warmly debated for lower rates than the committee have reported. If a reduction corresponding to that on iron is carried, some of the Pennsylvanians say they are ready to give up the bill. It must further be said that, on the other hand, these protections are making friends for it among those who at first opposed it strongly.

INVOLUNTARY SERVITUDE.

One of the decisions rendered by the Supreme Court on Saturday, has before adjournment, is of a good deal more importance than on its face it appears to be. The act of March 13, 1868, requires among other things, that Southern claimants for property held to be captured or forfeited by the Treasury Department, of property captured by, or surrendered to, the military, must prove affirmatively that they were loyal throughout the war, and did not, either directly or indirectly, voluntarily aid the rebellion or give aid and comfort to the enemy. The decision of the Court, in the case of Claiborne, it has, of course, been almost impossible to furnish necessary proof to such claimants, and, in fact, the Court, in deciding the Padelford case, swept away these restrictive and oppressive rulings, and laid down the principle that the act of having taken the oath of allegiance under the President's proclamation of December 8, 1863, as soon as the occupation or presence of our forces made it possible to take this oath, must be accepted as proof of loyalty, and operates as a complete restoration of all rights of property. This decision practically decides many cases that have been tried in the Court of Claims.

THE WILBERFORCE UNIVERSITY.

Senator Drake's report from the Committee on Education and Labor, in regard to the bill for the Wilberforce University, in Ohio, is as follows:

Subject to a careful examination of all the facts in this case, this committee are of opinion that it ought be more for the benefit of the colored people of the United States to appropriate a portion of the National treasury towards the education of freedmen, than the support of such an institution as Wilberforce University, that to disseminate it in smaller sums through Freedmen's schools in all the South, in developing Wilberforce University, the colored people have exhibited great energy and fidelity. It has, evidently, the confidence of colored citizens and of the Methodist Episcopal Church in the Southern. It is in a condition, with moderate help, to become established on a permanent basis and to exert a beneficent influence in the education of the colored people of the South. The committee believe it to be best that the fund for the education of the freedmen, after deducting the Freedmen's Bureau, Freedmen and Abandoned Lands is about one hundred and twenty millions of dollars, and they are of opinion that it would be a permanent benefit to the colored people if a portion of the two hundred and dollars of this fund for the benefit of the Wilberforce University, and the committee respectfully herewith a joint resolution to that effect.

THE SENATE.

The Senate Retrenchment Committee has unanimously reported the bill of Senator Lynch, creating a Department of Law, and it has been placed on the calendar for adoption. The prospects are that it will pass as soon as reached.

THE TARIFF BILL.

was considered to-day by the Ways and Means Committee, and the probabilities are that it will be reported on Thursday, before the House's recess. What shape it will take, no man can yet tell. The committee this morning talked about the bank nostrils, but took no vote on any proposition. They will not agree with the Senate, but instructions given out from the committee room indicate a much milder form of compulsion toward the bank interests. The idea of a footpad is half a dozen bonds, with a reduced tax on circulation, embodied in Carlisle's bill, finds a good deal of favor, but it is not yet certain that it will be adopted by the committee.

THE STRANGE APPEWAL.

The owners of the steamer Lloyd Aspinwall telegraphed to Havana on Saturday, requesting the Captain to receive the vessel, and Secretary Fish, to-day, telegraphed Consul General Sickle to deliver her to the Captain, on that she is clearly out of the hands of the Spanish authorities, and in possession of her proprietors. The volunteers of Havana are reported as disposing to make trouble about her surrender, the Secretary of the Navy ordered Admiral Poor, this afternoon, to take her under the protection of the flag of the Bangus while she is preparing again for sea.

PRESIDENT AND CONGRESS.

The House has at last done what the good name of the country demanded should have been done long ago, viz., passed a bill pensioning the widow of Mrs. Lincoln on the roll for a pension of three thousand dollars annually. Mr. Judd drew up the pension bill, and Mr. Dickey to introduce it, because Pennsylvania, and not Illinois, had commanded of the deed. There has been considerable talk about this matter in the Senate, and the bill will be opposed there, though it does not seem as if it could be defeated.

THE SENATE IN THE SENATE.

The Senate went on with the calendar again to-day, and continued its good though late hand of working rather than talking. It will be on calendar with to-morrow, and in the course of the afternoon the army bill will be reached. Senator Sherman will ask to have it considered, but without any business speeches, as the health of his wife will probably oblige him to go home to-morrow.

THE CHICAGO CONGRESSMAN AMONG THE DOCTORS.

The Committee on Credentials of the American Medical Association met this evening, and determined to throw out all delegates from societies granting membership and right of consultation to colored physicians. The delegates from this district subsequently met, with some of those from Massachusetts, New Hampshire, Connecticut, Illinois, Michigan, and Ohio, and one or two others, and resolved to support the minority report of the Committee on Credentials, which recognizes the rights of all regular practitioners of physicians without regard to color. There is a promise, therefore, of a big fight in the association when it meets to-morrow.

PERSONAL.

Major Powell, of Colorado Canyon fame, inducted before the Illinois Republican Association, this evening. Senator Trumbull presided, and introduced him to the audience, stating with warm Vice President Colfax and wife. The lecture was illustrated with maps and charts, and the large audience present found it very interesting.

[To the Associated Press.]

WASHINGTON, May 2.—The following is the debt statement for May:

Outstanding	$2,480,193,100.00
Interest thereon	25,235,000.00
Total principal and interest	$2,505,428,100.00
Cash in Treasury	103,000,000.00
Debt less cash in Treasury	$2,402,428,100.00
Debt less cash in Treasury on April 1, 1870	2,414,035,893.00
Decrease during the month	$11,607,793.00
Decrease since March 1, 1870	17,965,146.00
Decrease since June 30, 1869	37,000,000.00

THE NATIONAL CONVENTION.

The National Convention of Medical Colleges recommended a resolution to the Association to apply for the formation of a permanent association for improvement in medical education. The committee are Professors T. M. Davis, of Illinois; Jewett, of New Orleans; Hamner, of Louisville; Thompson, Louisville; S. D. Gross, Philadelphia; O. S. Boerhaave, Cincinnati; J. C. Shattuck, Boston; A. Post, New York. The convention adjourned sine die. The annual session of the American Medical Association commenced this afternoon. The delegates number over 300, and compose the most eminent medicos of the United States. In the evening the assembly will pay their respects to the President and Mrs. Grant.

The Committee on Credentials of the American Medical Association of the United States refused, at a preliminary meeting to-night, to receive the credentials of delegates from the National Medical Society, the new organization of the District, also those from three hundred and fifty Medical Associations of the Medical Department of Georgetown College. Mr. Boerhaave, J. C. Shattuck, Boston; A. Post, New York. The convention adjourned sine die. The annual session of the American Medical Association commenced this afternoon. The delegates number over 300, and compose the most eminent medicos of the United States. In the evening the assembly will pay their respects to the President and Mrs. Grant.

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THE COMMITTEE ON TERRITORIES in the Senate has authorized a report, organizing the Territory of Oklahoma, and extending the Indian tribes under a Territorial Government.

THE CHINA INDEMNITY.

The opinion of the Secretary of the Navy, Secretary of Navy, Secretary of the Interior, and Secretary of the Treasury, to-day, by the Navy Department, that only a full apology of the evidence, the Chinese and the Indian of the Indian is altogether entirely due to the Bonanza, whose vessels are sailing in the Indian Ocean, beyond express. Again, the conduct of the Bonanza is the result of the Indian, and it is not communicating with the Cocinda, and disregarding the Bonanza, and the Indian, and therefore, that the Indian can only speak of it as an unprovoked act of the Indian.

THE ARMENY BUSINESS.

Not less than twenty more cases have been taken under the proclamation respectively of President Grant and Johnson.

THE INDIAN PEACE COMMISSION.

The Indian Peace Commission met in Washington to-morrow, to arrange for returning to the Indian country with a view of pacifying the Sioux.

TERRITORIAL LAWS ANNULLED.

The Senate to-day passed a bill annulling the Territorial laws of Wyoming, under which the present courts of the Territory assume jurisdiction. In appointed a Revenue Commissioner for the road in the suit of Jas. W. Davis for use, damages, the sum of $10,000 and based upon information from Cheyenne, that Judge Howe proposed to order Davis to be imprisoned unless he pay the sum demanded, or deposit in court $5,000, and security for the payment of the balance if the decision should be against Davis. The company won't make the deposit, claiming that they are not over Davis, and if they did such proceedings would not be legal, the judgment was first obtained in the usual form, and have given orders to stop the running of the road if the Court shall try to put a Receiver in possession.

FORTY-FIRST CONGRESS.

SENATE.

PETITIONS, ETC., PRESENTED OR APPEARED.

WASHINGTON, May 2.—Mr. WILSON, from the Military Committee, reported adversely upon the following subjects, the further consideration of which was ordered to be postponed: Petitions of retired army officers, praying to be allowed full salaries during the time they were in service. Insurance in the Merchants' and Equitable, Chicago, $5,000 each. The building was owned, by W. A. Ogden, of Chicago, and insured for $2,000 in the North American. The origin of the fire is reported in rather suspicious.

CHICAGO.—A fire in Lapeer, early Saturday morning, destroyed Harys block of seven stores, and neighboring buildings. Loss over $10,000.

THE M'FARLAND TRIAL.

Another Mass of Rebutting Testimony Brought Forward by the Prosecution.

Important Testimony of Mrs. Runkle.

Special Dispatch to The Chicago Tribune.

NEW YORK, May 2.—The testimony in the McFarland case, to-day, is considered very damaging to the prisoner, as it overthrows the claims set up by the defense in regard to McFarland's sobriety and kindness, and his opposition to his wife going on the stage. Mrs. Richter testified, with the most important that was offered, and has expend several falsehoods of the defense, and, in fact, nearly all of the testimony in the assassination. Horace Greeley's card has been much discussed, as it was given in all the morning papers, and very widely circulated. It is throwing new light on the case, and will probably be followed by editorials in the Tribune, which has evidently determined to break the silence it has so long maintained. The Commercial Advertiser notes Mr. Greeley for publishing the card, and will be joined by one or two morning papers to-morrow.

[By the Associated Press.]

FURTHER REPORTED INFIDELITY OF THE PART OF THE PROSECUTRIX.

NEW YORK, May 2.—The court-room was crowded this morning.

Thomas Hogan, ex-Deputy Marshal, testified that he found McFarland in Broadway, intoxicated, in April, 1869, with Mrs. Sickles.

James Gamble, a resident of Woodside, saw the prisoner at Woodside a week before the shooting. The prisoner told his family troubles, and said he would shoot Sickles on sight.

Mr. Kearson, of Woodside, testified that shortly before the shooting, McFarland visited the house of Richardson Dred. Noticed no excitement or unusual talk on the part of the prisoner.

The cross-examination of these witnesses elicited nothing of importance.

Mr. S. S. Merrick, a Brooklyn lawyer, testified that about a long conversation with the prisoner two days before the shooting. Noticed no excitement. Greeley's card was read to the witness. Mrs. Richter's property was attached in jail, and that fence claimed by the prisoner. Mrs. McFarland left him. That's all. Mrs. McFarland had remained with him. That's not true. She remained with him years after the shooting.

Mark M. Pomeroy, sworn, said he was the next witness, swore that he formed the prisoner's character from his acquaintance with him, and from his talks. Mr. Medil got in an important amendment, which will be disliked by dealers in tax titles. It provides that the penalties for delinquency in the payment of taxes should not exceed 18 per cent per annum. This cuts down the profits of that class of tax sharpe operators 18 per cent. A movement, which for a time was successful, was made to secure the insertion of a clause in the report, which had been stricken out in Committee of the Whole. The section is as follows:

All appointments of the Governor shall be from the revenue fund in general continued in the Sure Treasury, and no disbursement of the tax collected or to be collected from any locality for any purpose whatever, and the balance of revenue shall ever be obtained."

The rule was taken on its restoration and declared a tie—84 to 84. The President gave the casting vote in favor of the restoration of the section. In addition, it will be perceived, is a blow at the taxe-stealing law of 1865, and its adoption created an enthusiasm among the members not usual in such a law. They have a majority of the convention, but were, at the time, caught napping. Memorials were sent to Springfield, and some several members who were not in the hall at the time, and two or three were brought in. Then Mr. Abbott, a member from Cook, moved a reconsideration of the vote by which the section was adopted. The reconsideration was carried by two or three majority, and the section stricken out. Several amendments were then proposed, and voted down. Here it looked as if the report had been completed and ready to be sent to the Committee on Revision and Adjustment, but there was not to be its fate. At that hour the enemies of the free section were not satisfied with the result, and Mr. Turner moved a reconsideration of the vote by which Section 1 was adopted. The motion was reconsidered. Mr. Canaday moved an addition to the section that the interest of one per cent of the fund received from the Illinois Central Railroad be paid back to the counties through which the road passes. This proposition received a considerable vote, and Mr. Thacher moved to strike out the obnoxious clause at the end of the section, as given above. This Kendall's office and was followed by Mr. Thacher moved that the section be sent to the Committee on Revision and Adjustment, with instructions to report it back to the people. This was carried, and the section was sent to the Finance Committee, and the committee will report it back to the Committee of the Whole, and probably the whole question will have to be fought over again. The discussion by the convention of the free section is in no way satisfactory to the assessors, and counties in counties through which the road passed. In fact, it could scarcely be presented to them in a more effective shape. The part of the section most offensive to them is to be submitted to a vote of the people with the first part of the section, which is entirely satisfactory to every member of the convention, and they are thus compelled to swallow what they most dislike for the sake of getting what they desire, or reject the whole. It is very evident that the enemies of the section intend to make the most of the delay of the new constitution which will prevent their eventually obtaining a reinstatement of a certain amount of taxes collected in the past, and which have had everything their own way to-day. What ominous will depend on events to be seen.

ANNOUNCEMENT.

Mr. Wagner offered a resolution this morning, that the convention adjourn sine die on Saturday, the 14th inst. The resolution, without notice, was sent to the Schedule Committee. It is, therefore, evident that the members are not willing to decide when the final adjournment shall take place. Unless they make better progress than to-day, it is safe to predict that the adjournment will be away beyond that named in the resolution.

BILL OF RIGHTS—A CONNIVING.

The fifteenth section of the Bill of Rights was taken up and considered section by section. The language in which it was printed in the Chicago papers. The amendment offered by Judge Thornton, which read "Nor shall any person be deprived, which read "Nor shall deductions be made of benefits the owner receives in common with adjacent land-owners," after being adopted, led to a long controversy on a motion to reconsider. It was objected that it was obscure, and might be construed to prevent deductions for benefits on account of public improvements. The section was finally recommitted to the Committee of Whole, which reported it back with the amendment stricken out. It then passed by a nearly unanimous vote, and is now in the form as follows:

Sec. 15. Private property shall not be taken or damaged for public use without just compensation. Such compensation shall not be made by the State, shall be ascertained by a jury, or by not less than three commissioners appointed by a Court of Record, as shall be prescribed by law. The fee of land taken for railroad tracks, without the consent of the owner thereof, shall remain in such owners, subject to the use for which it is taken.

SECTION 16 WAS ONE STRICKEN APPROVED.

Under the provisions of Section 4 of an act entitled "An act to fund and provide for the payment of the railroad debts of counties, townships, cities, and towns," in force April 16, 1869, the Governor, to-day, appointed and commissioned the following persons as members of the Board of Directors of the Spring-field, Ill., Southeastern Railroad Company, viz., James Cavitt, of Gallatin County; William H. Robinson, of Wayne County; William H. Hanks, of Clay County; John W. Prince, of Sangamon County.

THE NEW POST-OFFICE.

The customers of the United States Court House and Post Office in this city has been notified that the $15,000 appropriated to finish the building and to complete the work, will be used for that purpose.

RAILROAD CONTRACT.

The contract between the Directors of the Toledo, Wabash & Western Railroad Company and the Directors of the Decatur & East St. Louis Railroad Company for the building of the connecting of the latter road from Decatur to Chicago by the Directors of the first-named company, was to-day finally consummated, and the work will be commenced immediately and pushed to an early completion.

CATHOLIC CONFIRMATION.

The holy rite of confirmation was administered yesterday by the Right Rev. Father Baker, Bishop of Alton. This is the first time for a number of years that the Roman Catholics of this city have had an opportunity to receive their rite. The class was composed of over six hundred adults and children.

MILITARY SECRETS.

Governor Palmer has issued a circular letter to all his old comrades of the Fourteenth Regiment Illinois Infantry, calling their attention to a resolution of this regiment at Jacksonville, on the 16th of this month, and inviting every one who belonged to the regiment to be present if possible. A pleasant and interesting time is expected.

PROCRASTINATION DAY.

The decorating of the graves of our fallen soldiers will be observed with more than usual ceremony this year. The 30th day of May is kept open to the time, and accordingly Cassidy will deliver the oration on the occasion.

Attorney General Bushnell, who has been diligently looking up the law and authorities for some days, in order to decide the many and varied points referred to him by the Governor regarding the status, tenure, duty, and obligations of persons elected to the office of Justice of the Peace and Police Magistrates has closed his labors, and, after a full conference with the Governor, has decided that Justices of the Peace and Police Magistrates, and their offices are the full term of four years, if elected at the regular election of the regular quadrennial term of these officers, but, if not then elected, they only last until the expiration of the regular term. Second, every person elected or re-elected to any of the above offices, within twenty days after the election, or use the office shall be declared vacant by the County Clerk, who shall immediately call another and special election to fill said vacancy. Third, all Justices of the Peace and Police Magistrates must be commissioned by the Governor when they are elected, and, if not, when re-elected must be recommissioned. Fourth, the commissions issued by the Governor of the Peace and Police Magistrates to be valid, if issued, must be issued to the person who is the Justice of the Peace, or Police Magistrate, or to the person who is elected Justice of the Peace, or Police Magistrate, or to the person who is re-elected Justice of the Peace, or Police Magistrate, or to the person who is re-elected Justice of the Peace, or Police Magistrate, or to the person who is re-

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TUESDAY, MAY 3, 1870.

THE "PIONEERS" IN CONGRESS.

General Schenck, of Ohio, is the Chairman of the Committee of Ways and Means in the House of Representatives, and is the father-in-law of the Tariff bill. This is a bill to increase taxes and diminish revenue. In the article of sugar, for instance, it reduces the tax on the raw sugars, which are largely imported, but are not fit to use, and enhances those grades which may be used without refining. The effect of this is to deprive the government of $10,000,000 of annual revenue, and to compel the people of the United States to pay this sum to the refiners. It is not the removal of the tax, but the transfer of the proceeds of the tax from the Treasury to the sugar refiners. Unable to face the public with a tax of $30 on pig iron, the committee reported in favor of reducing the tax on that article to $7 or $8, and increasing it on almost every other form of iron and steel. When this part of the bill came before the House the majority not only reduced the tax on pig iron to $5 per ton, but made a like reduction on all the other iron and steel duties. The stitches of salt, coal, copper, and lumber have not been reached. When these are, it is probable they will be treated in the same way that the House has doctored iron and steel.

On Saturday, some members proposed, in indirection, that we think, to lay the whole bill aside to take up a substitute. It is not the policy of the friends of revenue reform to defeat the bill, so long as they are able to use it to reduce existing taxes. But Gen. Schenck, in the debate, voided his wrath upon the House, because the majority had reduced the taxation recommended by his committee. The irate Chairman declared that the bill had been "nibbled away by pismires," and subsequently nullified his language by saying that it had been "nibbled away by grasshoppers." Since the days when Cicero wore the Consular robe, and sat in the curule chair, there has hardly been such an outburst of classic indignation.

What is the bill which has been "nibbled by pismires?" It is a bill to confiscate the earnings of the people; to compel them to surrender, without compensation or equivalent, a large portion of the proceeds of their labor and property every year, for the public use, but for the purpose of enriching a few privileged persons. The proved purpose is to enable these persons to carry on a losing business at the public expense. The confiscation is all the same, whether the avowed purpose is the real one or not. It is a bill to deprive men of their natural rights, to impose a yoke of servitude upon them, to compel them to work more in order to obtain less. It is a bill to attack the rights of property, the highest of which is the right to exchange it for other property. Congress has no right to confiscate the property of any peaceable citizen. A tax levied by it for other purposes than public revenue is confiscation, and no sophistry can torture it into anything else.

When people protest against General Schenck's confiscation bill, and when they express strong regret that Congress is dealing with him as to the amendment of confiscation] which shall be tolerated, he calls them "pismires," or, if they don't like that phrase, "grasshoppers." We think it very likely that this variety of grasshopper will stand a better chance in General Schenck before his wrath than the pismires. But what shall we say of the statesmanship which sets out with a bill to pick the pockets of 40,000,000 of people under the pretense of protecting their industry, and then applies opprobrious epithets to them when they resist such robbery? In our view, there is only one step further to the complete extinction of the intellect which has conceived such an idea.

THE CINCINNATI SENSATION.

It is reported that Mr. Wash McLean, one of the proprietors of the Cincinnati *Enquirer*, is endeavoring to bully Mr. Halstead, of the *Commercial*, into sending or accepting a challenge, for participation of attendance, evidently aimed against corruption and plunder in the administration of the city government. If this report be true, the ranks of American journalism are disgraced by the presence of one worldly assassin, who has no more calling to stand in any responsible relation to the press than a gambler or brothel-keeper to be a Bishop. The proprietor of a newspaper, who is sunk so low in moral and mental standing as to desire or dare to institute a challenge of shooting or prize-fighting over rival editors, shows, even more painfully, his weakness as an editor, than his inadequate sense of what is due from him to society, as a leader of public opinion and a gentleman.

An editor is the very last person who should claim to punish the supposed errors of journalism by killing or maiming the erring journalist. He has at command the weapon for reply which was used in the attack. To resort to any other is to admit that he cannot justify himself by anything he can publish in his own paper. It is no excuse that he may be the subject of complaint, and that he seeks to bully his rival as the only means of stopping the exposure of his own shortcomings. If Mr. Halstead has said anything concerning McLean which is false, the falsehood can be shown. If it is true, the whipping of Halstead would only show that, in addition to being all that Mr. Halstead charged, McLean was also an assassin, who had not only committed acts which deserved exposure, but who would darken his soul with the deeper guilt, and damn his name with the greater infamy of taking the life of one who brought his conscious infamy to light. We are confident that Mr. Halstead will treat the bluster of all challengers with the contempt they deserve. We doubt whether there is a single human being now living who believes in the justice of a challenge, as it was believed in in the ancient and barbarous days when even civil disputes and questions of law were submitted to the wager of battle. In those times, superstitious faith prevailed that the divine power guided the bullet or the sword so as to make it execute the decree of the divine justice. No human being in this generation believes in any such nonsense.

Duelling, in this modern time, is impossible, except between an assassin and a coward. The challenger relies solely on his own murderous skill and cold, deadly, heartless hate. These constitute him an assassin in spirit. The challenged would never accept, were he not afraid to trust his vindication to his known manhood and integrity. This is a coward. Whatever may be true of Mr. McLean, we cannot conceive that Mr. Halstead is at heart either an assassin or a coward. Not being the former, he cannot send a challenge. Not being the latter, he cannot accept one.

THE CONVENTION AND THE RAILWAYS.

The Constitutional Convention has not yet taken up the report of the Committee on Railroad Corporations. This is perhaps, the most important subject that remains to be acted on. The report of the committee was made early in the session, and it embraces a number of wise and necessary reforms. It prohibits the issuing of fictitious stock, bonds, or other evidences of property or indebtedness, for which no money has been paid, of every kind and description; thus confining railroad corporations strictly to the powers and functions originally prescribed in their charters, and preventing them from cheating the people and the stockholders by the "watering process." It also prohibits the consolidation of parallel or competing lines of railroads. This provision should be amended by striking out the words "parallel and competing," since no two roads are exactly parallel, and it would be difficult for any court to determine whether by the union of two roads they would or not. There is no advantage to be gained by the consolidation of railroads in any case whatever, at all commensurate with the evil thus entailed to the public growing out of these consolidations. We think it would be difficult to find any authority in the common law for the consolidation of two railroad companies, the number of parallel or continuous lines. The common law rule is that every corporation must confine itself to the powers and obligations conferred in its charter, and there are numerous decisions in the books declaring that the power of consolidation cannot be exercised, unless it was originally granted in the charter of subsequently conferred by law. It happens that, in this State, there is a law, passed in 1865, authorizing such consolidations. The existence of this law renders a constitutional provision necessary, and the convention will come far short of meeting the public expectations if they do not effectually put down such consolidations in the future.

We think it would be unwise for the convention to adopt a clause authorizing the Legislature to establish rates of fare and freight. The convention can do nothing in this regard which the Legislature could not do. Vested rights cannot be impaired by the one mode, if they cannot by the other, and it is doubtful if it is worth while for the convention to array the power and influence of the railroads against the new constitution by any act of doubtful legality. But we think they may, with great propriety, authorize the Legislature to establish a Board of Railway Commissioners similar to that which has been found so useful in Massachusetts. The theory upon which this board acts is, that the State, under the right of eminent domain, may take possession of any railroad, upon making due compensation to the owners, and that it will exercise this right in any case where the interests of the public clearly require it. For the purpose of obtaining at all times correct information regarding the interests of the public, as affected by the management of railways, the State has established a Board of Railway Commissioners, whose duty it is to examine all cases of alleged wrong or hardship reported to them, and to endeavor to secure the correction of the evils complained of, without resorting to extreme measures, and, in default of a peaceable arrangement of the difficulties, to report the facts to the General Assembly. Up to the present time, no cases have been reported to the Commissioners which they could not adjust satisfactorily to all parties concerned. We think it would be found to the advantage of both the railways and the public to have such a board in this State, and we hope the convention will, at least, authorize the Legislature to create one.

INSANITY AND HOMICIDE.

In the hospital jail at Baltimore lies a woman upon whose mind deep trouble has brought that most fearful and terrible of all maladies—insanity. Without an instant of warning to enable her victims to escape, she turned upon her mother, and attempted and nearly succeeded in killing her. Then she rushed upon her other children, toward whom she had been invariably fond and affectionate, and cut their throats from ear to ear as fast as fendish energy could carry her from one to the other. Removed by force from the awful scene then presented in her home to the jail, after a few hours of restless wandering, she began to inquire querulously why the mother and her children had been slain, remained absent from her. Somnambulism was it to every one that she still conceived of them as living, and that the horrible effects of her delirium had left no room upon her memory, that the attendants forbore to inform her of the facts. She is conscious that she has been brought to the hospital for insanity; that she is being treated as a patient, and that the treatment is proper. She has great pain at intervals in her head, and supposes that to be the evidence of her malady. Hourly she recurs to her mother and children—always in the same terms of anxiety and reproach because she cannot see them. The doctors feel assured that to reveal to her crushed mind what her own frenzied hand has done would render her a confirmed maniac.

This is the type of cases in which the fact of insanity impresses every mind with a conviction that the most horrible of all homicides may be free from criminal intent or moral guilt. Very different from this are all cases in which the homicide follows as the result of rage, malice, or revenge, whether the provocation be great or small. Indeed, once establish a connection of provocation and consequence, and the motives and intents of acts of the deceased, and the motives in the mind of the slayer which led to the homicide, and the act is placed clearly within the domain of sanity. The provocation may be so slight as to render the killing a wanton murder, or so great as to impel the act among justifiable or excusable homicides. But if the relation of cause and effect exists between the acts of the deceased, as a provocation, and the homicide, as a punishment or revenge, the act is sane, however foolish or unreasonable it may be.

The counsel for McFarland, in relying upon insanity as their chief hope of success, logically exclude from the case the hypothesis that the killing of Richardson was provoked or justified. It is the plea of sane men only to act upon provocation of any kind, sufficient or insufficient. The essence of insanity is that it acts without provocation, and without any sequence or connection of cause and consequence. It is as likely to strike friend as foe.

There is a hypothesis upon which McFarland's counsel might have plead that the homicide was justified. In the Sickles case rather more was made of the justification than of the insanity. It has always been a principle of the common law that the husband who, coming suddenly into the presence of his wife and her seducer, sees the positive proof that their relations are criminal, and who, then and there, kills the seducer, has committed, not exactly a justifiable, but an excusable, homicide. Whether such a course of judicial decisions and verdicts may meet with a reversal hereafter or not, it is certain that the ancient common law of England and of this country would have supplied a stronger theory for McFarland, than the plea of insanity, if it could be made to appear to the jury that the relations of Richardson to Mrs. McFarland, were those of criminal intimacy, especially before her withdrawal from McFarland's home. The reliance of the defense on insanity will go far to convince the jury and the public that no such criminal relations existed.

THE PROTESTING BISHOPS.

The protest of the twenty-eight leading Roman Catholic Bishops against the introduction of the question of Papal infallibility into the council, is a polite intimation to the Holy Father that, while the protesting Bishops do not question the fact of Papal infallibility, the dogma is not adapted to their latitude and climate. All these Bishops represent the Catholics of countries where Protestantism is dominant. They base their objection to the discussion of the question, first, on the ground that the council is not suited. To this His Holiness will reply, "We are all united except you, and if it is union only that you want, independent of any particular basis of union, how much easier is it for you twenty-eight Bishops to agree with the Universal Church, than to make the 600 Bishops and our sovereign self agree with you."

The second reason for rejecting the dogma is still more unhappily framed, from a Catholic point of view. It is that the announcement of the dogma would alienate the heretics whom the Church is endeavoring to convert.

We can imagine the bland complaisance with which His Holiness would assure the protesting Bishops that it would ill become a council of the Church universal to take counsel of uncovenanted infidels and enemies of the Church as to the nature of the faith which had been revealed to the Church and of which the spouse of Christ was the sole interpreter and guardian.

The third reason is but a repetition of the second, that the announcement of the dogma would "raise insuperable questions" among "those who are not members of the Holy Catholic Church." We cannot conceive of a Protestant church which, in framing its faith, would be guided by the opinions of adversaries and unbelievers. The protest itself is so unchaurity and uncatholic, in short, so essentially Protestant in its mode of putting the case, that we are inclined to doubt whether the document is genuine, or is an invention of some ingenious correspondent of the *Herald*.

If it be genuine, it forms the best proof for any court to determine whether by the "common law" the act of Richardson was such a provocation as to justify the act of McFarland. Richardson was a seducer, who, coming suddenly into the presence of his wife and her seducer, sees the positive proof that their relations are criminal, and who, then and there, kills the seducer, has committed, not exactly a justifiable, but an excusable, homicide. Whether such a course of judicial decisions and verdicts may meet with a reversal hereafter or not, it is certain that the ancient common law of England and of this country would have supplied a stronger theory for McFarland, than the plea of insanity, if it could be made to appear to the jury that the relations of Richardson to Mrs. McFarland, were those of criminal intimacy, especially before her withdrawal from McFarland's home. The reliance of the defense on insanity will go far to convince the jury and the public that no such criminal relations existed.

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NEW YORK.

Pleasures and the Pains of Travel.

Sorosis at Lunch.

Arguments of Messrs. Tree and Harvey.

Case Under Advisement.

The case of William H. Thomas v. the Board of Supervisors was taken yesterday in the Circuit Court, before Judge Williams.

This is a proceeding in equity, commenced by summons and injunction, by the writ in which the Board of Supervisors was enjoined from proceeding, by resolution, to discharge the foreman of the county side of the Court House from his employment.

The county proceeded by demurrer to the bill, alleging want of equity. The demurrer came on to be argued. For the complainant appeared Lambert Tree, Esq., and for Thomas, the complainant, Robert Harvey, Esq.

STATEMENT FOR DEFENDANT.

Mr. Tree stated the motion and read the bill. The bill sets forth that the complainant, on or about the 20th of September, 1868, entered into a contract with the Board of Supervisors, by which he was to run the heating apparatus, and keep in necessary repair and the heating apparatus, engine, fan, etc., attached to the Court House (County side), for the period of two years, for $3,000, payable monthly, the city to pay for nails, fuel and its repairs. Immediately upon the execution of the contract complainant entered upon his duties under it, and performed them under and agreeably to the terms of the contract. But about the 1st of April last, the Board of Supervisors, by resolution, appointed a committee of nine of its members to investigate any and all charges that might be preferred against complainant, and to report to the Board, at its next meeting, for action by the body of the county, or against any members of the board, and instructed the committee to report at the next meeting of the board. The committee proceeded to examine witnesses, and to receive charges against divers persons in the employ of the county, and among others, charges were preferred in writing against complainant. Upon receipt of these charges, complainant demanded a full and impartial investigation of the charges, and offered to produce such proof as might be necessary to establish the falsity of the charges against him. The committee having the matter in charge passed a resolution to report against complainant, for the offence connected with the duties of their office in the employ of the county, and should be expelled from the committee room while the prosecutor of the complaint against Crane, his accuser, and the same. Under this resolution complainant was expelled from the room, and not permitted to hear or cross-examine Crane or the other witnesses, and he did not avail of the privilege of their testimony until some time afterward. It is averred that there is an entire lack of truth in the charges and that they originated in malice and hatred, and are trumped up for the purpose of complainant. Notwithstanding which, the committee has reported to the board of supervisors the discharge from its employment of complainant, and the board, by resolution, has instructed the prosecutor, Crane, his accuser, and the board, 1869?, was about to proceed to discharge complainant.

The complainant stated that he was also employed by defendant in connection with the duties of the heating apparatus in the Normal School, and in the Soldiers' Home, and in the Court House, and that he has "in all respects performed his duties faithfully and well, and to the entire satisfaction of the board." Complainant, in accordance with his undertaking and contract, has made repairs and improvements, and has made false and slanderous charges against him, in behalf of the board, and complainant (the Court House excepted) and upon ex parte statements made to Gallagher him as a public superintendent, in violation of the contract, which if it should be carried into effect, will injure his reputation as a mechanic and citizen, for which injury he has no adequate remedy at law. The board has been guilty of no misconduct, and the Board of Supervisors, by its action, has been guilty of unlawful conduct in a Court of Equity, if irreparable injury is to follow.

The prayer of the bill followed, that the board, and its members individually, be enjoined, and be restrained from removing the complainant, or interfering with the duties of his office, or from taking any action in regard to him, and from preferring charges against complainant, and joined from acting in said matter, or voting upon the questions of the charges against complainant, and for general relief.

Counsel read the bond of complaint, for the faithful performance of his duties, in the employ of defendant, and the letter of Gallagher, superintendent, with Jesse M. Allen and Timothy B. Blackstone.

Mr. Tree stated that he scarcely knew how to argue his demurrer; the bill of complaint was certainly a novelty in the history of legislation, and the grounds upon which an injunction is asked are so novel and extraordinary, and so utterly destitute of equity for the exercise of its powers, that it seemed almost unnecessary for him, a court of equity had issued an injunction upon a bill so wholly destitute of equity, and so utterly lacking in the elements of equity necessary to its support. The allegation was that a contract was made between the plaintiff and the heating apparatus of the Court House for two years, at a fixed price, and that the Board of Supervisors threatened to discharge complainant upon charges of his want of his want of honesty. That being all there is in the bill, it was clear that the Board of Supervisors could not, notwithstanding the contract, dismiss its foreman, and that if it should do so, the injunction would properly lie against the proprietors of the heating apparatus, at the suit of the city, for the violation of the contract, and the power of the Court, by injunction, would be exercised to prevent the violation of the contract, and to restrain its learned friend, who appeared to support the motion, from commencing his action against the board, which would be a useless attempt to issue the high prerogative writ.

The bill was objected as contemptible length from a case of Wheaton v. Hibbard, in the Supreme Court of Rochester (Harris, Justice Chancery). In the case it appeared that the Cathedral Church of Rochester was founded and endowed by Henry VIII, from revenues that had belonged to the monasteries, and for the government of the body by a dean and several canons, and that upon the statutes Wheaton was appointed head master of the grammar school of the church, at a fixed regularly holden, and to look the oath prescribed by the statute called, in the case, the "Act of Uniformity." The bill was dismissed, upon the ground that the complainant was not a corporation, and that the court was powerless to protect its contract with the Board of Supervisors, and that if it should be dismissed, the board would be subjected to the force of a subordinate employment should the Court House, the city of which, intended the keeping of a fire burning, which made the complainant, Hare, even when there was no office, Hare, having charge of the office, and, instead of being a mere servant, a tenant of the city of Rochester, and the Court could not, in the exercise of its equitable jurisdiction, take cognizance of that class of

If the case, the contract of employment, for a term, was, as it was, not a contract of service, and he was about to be discharged in violation of the contract, the Court would not grant equitable relief, but let the other side (common law) of the court, which would compel the defendant to pay a question of damages, to be decided at law upon the question of the sufficiency of the reasons for the discharge, or the party discharged, or to his compensation in damages.

AMUSEMENTS FOR DEFENDANT.

Mr. Bryan Hoyne, for complainant, said he did not draw the bill, and, therefore, was not responsible, responsible for what his learned friend had called in extraordinary language, but he was free to admit that it was a novel bill, and that it was a proper subject for the interposition of the chancery, and, if it should be granted, from irreparable injury. The bill was not, not an answer, denying the allegations of the bill, but by a demurrer, which, if it had the effect of the argument, conceded that the statements of the bill, as to matters of fact, were true. The court must, therefore, in determining this motion, assume that the allegations of the bill, which equitable interposition was asked, were proved to be true.

Having this starting point, the bill alleges that complainant was a skilled mechanic, and had been such for eighteen years. That being admitted, it was clear that he had a right to pursue his profession or business. That right was recognized by courts of equity as property, the right to pursue a lawful business, with which, when not properly remediable by common law, would be prevented in chancery. It was not forth that on the 27th of September, 1868, the complainant, who was then following his profession, craft or science, was employed in the line of his craft, by discharge a particular duty by the authorities of the county, under a written contract extending to a day two years thereafter, at an annual salary of $3,000, payable, in addition to the money which the law recognized as following the right to pursue a particular business, there was attached a pecuniary right, which was the subject of the contract, and which, if complained of, would be a ground for equitable interposition, if it should be shown that the right was in danger of being violated. There was a pecuniary right, and this was a pecuniary right, and the infraction of it

THE COMMON COUNCIL.

The City's Consumption of Gas.

A New Armory—The Bridewell Keeper—Southwestern Avenue.

Protection to Travellers—The Sunday Law—Water Street Market.

Railroad Tracks—Invitations.

The Common Council held a long and tedious session last evening, President Cumiskey in the chair. The following Aldermen were present: Clark, Bennett, Dunnigan, Dixon, Hahn, Medill, Bailey, McEvoy, Whitaker, Hesing, Tracy, Hildreth, Powell (W. S.), Powell (George), Holden, Wallace, Sidwell, Wahl, Woodward, McCauley, Jones, Campbell, Gill, Shall, Mulvihill, Dunham, Hickey, Boutell, Schmidt, Tyler, Schintz, Bengy, Carney, Herrine, McCaffery, Dixon, Devine.

The Clerk presented a communication stating that his official business was confined to the present committee.

Referred to be filed and published.

SEWERAGE CONTRACTORS.

The Mayor presented the following:

I return herewith, without my approval, the report of the committee of the City Council on the subject of sewerage contracts, for the reason that I do not think the action of the committee in the premises is in accordance with the ordinance. I do not consider that if the called upon to approve of a bond, or of a contract, in such a case, that it is apparent to me that where the Common Council undertakes to give effect to such report, it should also be in accordance with the ordinance, and that it should also be in the opinion of the committee to approve of the contract, and accordingly I do not approve of the action of the committee, I would respectfully suggest that the committee should have only provided in lieu of the contractors thereon, and that the matter be referred back to the committee for further consideration, and that the matter be recommitted to the committee, and that the matter be referred back to the committee, and that the matter be referred back to the committee, and that the matter be referred back